



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

201-15733

DEC 03 2004

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Janet M. Mostowy, Ph.D.
Vice President, Product Safety and Regulatory Affairs
Bayer Corporation
100 Bayer Road
Pittsburgh, PA 15205-9741

RECEIVED
OPPT/CRIF
04 DEC 17 PM 1:06

Dear Dr. Mostowy:

Thank you for your letter dated December 29, 2003, addressed to Mr. Michael O. Leavitt, Administrator, U.S. Environmental Protection Agency (EPA). Administrator Leavitt has asked me to respond on his behalf. I apologize for the delay in responding to your request.

Your letter states that Bayer had recently determined that the chemicals listed below are all "non-isolated intermediates" within the meaning of the Inventory Update Rule (IUR). The letter also states that Bayer erroneously reported them for the IUR in 1990 and in subsequent years and mistakenly sponsored these chemicals under the HPV Challenge Program. The information relied upon by Bayer in making its determination of "non-isolated intermediates" was provided in a memorandum containing TSCA Confidential Business Information which was sent to the Confidential Business Information Center. Your letter requests that these chemicals be designated with a "5" on the HPV Challenge Program Chemical List.

The Agency has reviewed the information you provided concerning your manufacturing processes. Based on that review, the Agency has determined the following:

CAS #	Chemical Name	EPA Response
150-50-5	Phosphorotrithious acid, tributyl ester	Isolated intermediate; reportable
693-07-2	Ethane, 1-chloro-2-(ethylthio)-	Non-isolatable; not reportable under the IUR
3338-24-7	Phosphorodithioic acid, O-O-diethyl ester, sodium salt	Isolated intermediate; reportable

20469-71-0	Hydrazinecarbodithioic acid, compd. with hydrazine (1:1)	Non-isolatable; not reportable under the IUR
22591-21-5	2-Butanone, 1,1-dichloro-3,3-dimethyl-	Non-isolatable, not reportable under the IUR
33509-43-2	1,2,4-Triazin-5(2H)-one, 4-amino-6-(1,1-dimethylethyl)-3,4-dihydro-3-thioxo-	Non-isolatable, not reportable under the IUR

As you may know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its ChemRTK website at www.epa.gov/chemrtk in March, 1999. Based on EPA's review of all the pertinent IUR data from 1998 and 2002, EPA has determined that Phosphorotriethioic acid, tributyl ester (CAS No.150-50-5) and Phosphorodithioic acid,O-O-diethyl ester, sodium salt (CAS No. 3338-24-7) **do not meet** the "no longer HPV" criteria. They will remain in the HPV Challenge Program and should continue to be reported.

EPA recommends Bayer amend its IUR reporting for the remaining four chemicals: Ethane, 1-chloro-2-(ethylthio)- (CAS No. 693-07-2); Hydrazinecarbodithioic acid, compd. with hydrazine (1:1) (CAS No. 20469-71-0); 2-Butanone, 1,1-dichloro-3,3-dimethyl- (CAS No. 22591-21-5); and, 1,2,4-Triazin-5(2H)-one, 4-amino-6-(1,1-dimethylethyl)-3,4-dihydro-3-thioxo- (CAS No. 33509-43-2) since they are non-isolatable and therefore not reportable. Once the IUR reporting has been amended, EPA will be able to give those four chemicals an indicator of "5" for meeting the "no longer hpv" criteria.

We will post your letter, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-4770. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via e-mail at tsc hotline@epa.gov.

Sincerely,

Diane M. Sheridan
Acting Branch Chief
Existing Chemicals Branch
Chemical Control Division

cc: AR201